

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

CODY S. HOWARD

PLAINTIFF

v.

Civil No. 4:18-CV-04126

OFFICER D. ROGERS

DEFENDANT

**ORDER**

The Court finds it is appropriate to appoint counsel for the Plaintiff under 28 U.S.C. §1915(e)(1). This section provides that: “the court may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1).

Mr. Darby Doan, of the law firm of Haltom & Doan, 6500 Summerhill Road, Texarkana, Texas, 75503, is hereby appointed to represent the Plaintiff. In addition to Mr. Doan, any other attorney with Haltom & Doan may also enter an appearance in the case. The Court will set a trial date and pre-trial schedule by separate Order.

Counsel is advised that the Court only has funds available to pay reasonable out-of-pocket expenses he incurs in this representation. No federal funds are available to pay attorney’s fees to counsel appointed under the provisions of 28 U.S.C. § 1915. In the event Plaintiff is a prevailing party at trial, counsel may move for attorney’s fees and costs under 42 U.S.C. § 1988. Pursuant to Rule 83.6 of the Local Rules for the Eastern and Western Districts of Arkansas the Court may pay reasonable out-of-pocket expenses only where no funds are available from other sources to cover those expenses. The Court’s authority to pay out-of-pocket expenses is limited. No single expenditure can exceed the amount of \$500 without the attorney seeking the prior written approval of this court. Expenditures in excess of \$500 require approval of this Court and of the Clerk of Court as to the impact of the expenditure on the fund.

Counsel is further advised that he should seek prior written approval of this Court before taking or incurring any of the following expenses: (1) expenses for depositions; (2) expenses related to retaining or securing the services of expert witnesses; and (3) any single expenditure that exceeds the amount of \$250.

Because Counsel has been appointed to represent Plaintiff in this matter, no further *pro se* pleadings from the Plaintiff shall be accepted by the Clerk for filing. Any *pro se* pleading submitted by Plaintiff shall be returned to Plaintiff without filing.

**IT IS SO ORDERED** this 17th day of September 2020.

/s/ *Barry A. Bryant*

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HON. BARRY A. BRYANT  
UNITED STATES MAGISTRATE JUDGE